

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------------------|---|----------------------------|
| PENNSYLVANIA EMPLOYEE BENEFIT |) | |
| TRUST FUND, on behalf of itself and |) | |
| others similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 05-75 SLR |
| |) | |
| ZENECA, INC. and ASTRAZENECA |) | |
| PHARMACEUTICALS, L.P., |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), defendants Zeneca, Inc. and AstraZeneca Pharmaceuticals, LP move to dismiss the complaint for failure to state a claim upon which relief can be granted. Defendants also move to dismiss the complaint pursuant to Fed. R. Civ. P. 9(b) for failure to plead with particularity. The grounds are set forth more fully in defendants' opening brief, submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL

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March 31, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that on March 31, 2005, the foregoing was served by electronic filing upon the following counsel of record:

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